

# Notice of Agency Rule-making Proposal

**AGENCY:** Department of Environmental Protection

**RULE TITLE OR SUBJECT:**

Chapter 335: Significant Wildlife Habitat

Chapter 375, No adverse environmental effect standard, Section 15: Wildlife and fisheries

**PROPOSED RULE NUMBER:**

**CONCISE SUMMARY:** Through Public Law 116 (LD 261, copy attached), the 122<sup>nd</sup> Maine State Legislature made the following changes to the NRPA at the request of the department and Maine Audubon, which sponsored a companion bill to the department's.

1. Maine Forest Service's language defining timber harvesting activities was incorporated into the NRPA definition of forest management activities;
2. The statutory requirement to map significant vernal pools, shorebird and wading and waterfowl habitats as we do any other wetland was removed; and
3. The exemption for the filling of up to .10 of an acre of significant wildlife habitat was removed.

This legislative action also required that the department establish definitions and standards through rule for significant vernal pools, high to moderate value shorebird feeding, nesting, and staging habitat, and high to moderate value wading and waterfowl habitat. Chapter 335 is the existing rule which governs activities associated with seabird nesting islands and under which these three habitats will be defined. The changes in Chapter 375, Section 15, are proposed solely to increase consistency between the two state regulatory programs. Simultaneous to this rulemaking process, MDIF&W is undergoing its own process before its Advisory Council to adopt identical definitions and criteria for these three significant wildlife habitats. The rules the Board is asked to post to public hearing today also incorporate specific measures and protections for both the pools and applicants required by the Natural Resources Committee of the Maine State Legislature.

**THIS RULE WILL\_\_ WILL NOT\_X\_ HAVE A FISCAL IMPACT ON MUNICIPALITIES.**

**STATUTORY AUTHORITY:** 38 M.R.S.A. § 480-A through Z

**PUBLIC HEARING:** October 20, 2005; 9:30 A.M.; Holiday Inn/Ground Round, Augusta

**DEADLINE FOR COMMENTS:** October 31, 2005

**AGENCY CONTACT PERSON:**

**AGENCY NAME:**

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